

104TH CONGRESS
1ST SESSION

H. R. 2763

To establish the Boston Harbor Islands National Recreation Area, and for
other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 12, 1995

Mr. STUDDS (for himself, Mr. TORKILDSEN, Mr. MOAKLEY, Mr. MARKEY, Mr. FRANK of Massachusetts, Mr. KENNEDY of Massachusetts, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. MEEHAN, and Mr. BLUTE) introduced the following bill; which was referred to the Committee on Resources

A BILL

To establish the Boston Harbor Islands National Recreation
Area, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS AND PURPOSES.**

4 (a) FINDINGS.—The Congress finds that—

5 (1) Boston is the economic and cultural center
6 of New England and a city of national and inter-
7 national significance; the Boston metropolitan region
8 plays a leadership role in the areas of higher edu-

1 cation, technology, health care, transportation, and
2 national and international trade;

3 (2) Boston and the immediate region contain
4 some of the oldest, most valuable, and most visited
5 historic sites in the Nation, dating from precolonial
6 times;

7 (3) factors such as open space, parks, rec-
8 reational opportunities, and natural and cultural re-
9 source preservation will help determine the region's
10 success and long-term economic and social viability
11 into the 21st century;

12 (4) Boston Harbor has been a major factor in
13 shaping Boston's growth, development, and sus-
14 tained influence and significance in New England
15 and the Nation;

16 (5) years of neglect and overuse of Boston Har-
17 bor resulted in a serious decline in its water quality;
18 a major cleanup effort is fostering the Harbor's re-
19 newal and revitalization, making it once again a
20 focal point for the city and region;

21 (6) the Boston Harbor Islands support inval-
22 uable natural resources, rare in urban settings, in-
23 cluding fresh and salt water marshes, dunes, wood-
24 lands, ledges and cliffs, and habitat for wildlife and
25 numerous bird species;

1 (7) Boston Harbor and its islands, containing
2 numerous fortifications and other sites related to
3 coastal defense, played an important role in United
4 States military and maritime history from the colo-
5 nial era to the Cold War;

6 (8) Boston Harbor and its islands contain im-
7 portant archaeological sites and underwater archae-
8 ological resources which chronicle the use and settle-
9 ment of the Harbor by Native Americans from at
10 least 9,000 years ago until the 17th century;

11 (9) the Boston Harbor Islands offer abundant
12 opportunities for public education on society's at-
13 tempts to deal with urban problems and to protect
14 the ecological health of the Harbor;

15 (10) the Boston Harbor Islands offer opportu-
16 nities for recreation, education, and public use and
17 enjoyment in a maritime setting that is within close
18 proximity to a large urban population;

19 (11) the Boston Harbor Islands are located in
20 a mixed use area, including an active commercial
21 seaport and the region's busiest airport, the present
22 and future operation of which are essential for the
23 economic stability of the region;

24 (12) the Boston Harbor Islands possess out-
25 standing natural, historic, scenic, recreational, and

1 educational values, and there is a national interest
2 in protecting and preserving these values for resi-
3 dents and visitors of the area; and

4 (13) a partnership among Federal, State, and
5 local governments and nonprofit organizations offers
6 the most effective opportunity for the enhancement
7 and management of the Boston Harbor Islands.

8 (b) PURPOSES.—The purposes of this Act are—

9 (1) to preserve for public use and enjoyment
10 the lands and waters that comprise the Boston Har-
11 bor Islands National Recreation Area;

12 (2) to manage the recreation area in partner-
13 ship with the private sector, the Commonwealth of
14 Massachusetts, municipalities surrounding Massa-
15 chusetts and Cape Cod Bays, the Thompson Island
16 Outward Bound Education Center, and Trustees of
17 Reservations, and with historical, business, cultural,
18 civic, recreational and tourism organizations; and

19 (3) to improve access to the Boston Harbor Is-
20 lands through the use of public water transportation.

21 **SEC. 2. DEFINITIONS.**

22 For the purposes of this Act:

23 (1) The term “recreation area” means the Bos-
24 ton Harbor Islands National Recreation Area estab-
25 lished by section 3.

1 (2) The term “Secretary” means the Secretary
2 of the Interior.

3 **SEC. 3. BOSTON HARBOR ISLANDS NATIONAL RECREATION**
4 **AREA.**

5 (a) ESTABLISHMENT.—In order to preserve for the
6 benefit and inspiration of the people of the United States
7 as a national recreation area certain lands located in Mas-
8 sachusetts Bay, there is established as a unit of the Na-
9 tional Park System the Boston Harbor Islands National
10 Recreation Area.

11 (b) BOUNDARIES.—(1) The recreation area shall be
12 comprised of the lands, waters, and submerged lands gen-
13 erally depicted on the map entitled “Proposed Boston
14 Harbor Islands NRA”, numbered BOHA 80001, and
15 dated August 1995. Such map shall be on file and avail-
16 able for public inspection in the appropriate offices of the
17 National Park Service. After advising the Committee on
18 Resources of the House of Representatives and the Com-
19 mittee on Energy and Natural Resources of the Senate
20 in writing, the Secretary may make minor revisions of the
21 boundaries of the recreation area when necessary by publi-
22 cation of a revised drawing or other boundary description
23 in the Federal Register.

24 (2) The recreation area shall include the following:

1 (A) The areas depicted on the map referenced
2 in paragraph (1).

3 (B) Landside points required for access, visitor
4 services, and administration in the city of Boston
5 along its Harborwalk and at Long Wharf, Castle Is-
6 land, Fan Pier, John F. Kennedy Library, and the
7 Custom House; Charlestown Navy Yard; old North-
8 ern Avenue Bridge; the city of Quincy at Squantum
9 Point/Marina Bay, the Fore River Shipyard, and
10 Town River; the Town of Hingham at Hewitt's
11 Cove; the Town of Hull; the city of Salem at Salem
12 National Historic Site; and the city of Lynn at the
13 Heritage State Park.

14 **SEC. 4. ADMINISTRATION OF RECREATION AREA.**

15 (a) IN GENERAL.—The recreation area shall be ad-
16 ministered by the Secretary in accordance with this Act.
17 Only those lands within the recreation area under the own-
18 ership of the Secretary shall be administered in accord-
19 ance with the provisions of law generally applicable to
20 units of the National Park System, including the Act enti-
21 tled “An Act to establish a National Park Service, and
22 for other purposes”, approved August 25, 1916 (39 Stat.
23 535; 16 U.S.C. 1, 2, 3, and 4), and the Act of August
24 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467) as amended
25 and supplemented.

1 (b) STATE AND LOCAL JURISDICTION.—Nothing in
2 this Act shall be construed to diminish, enlarge, or modify
3 any right of the Commonwealth of Massachusetts or any
4 political subdivision thereof, to exercise civil and criminal
5 jurisdiction or to carry out State laws, rules, and regula-
6 tions within the recreation area, including those relating
7 to fish and wildlife, or to tax persons, corporations, fran-
8 chises, or private property on the lands and waters in-
9 cluded in the recreation area.

10 (c) COOPERATIVE AGREEMENTS.—The Secretary
11 may consult and enter into cooperative agreements with
12 such persons or entities as the Secretary determines to
13 be appropriate for the preservation, interpretation, man-
14 agement, and provision of educational and recreational
15 uses for the properties in the recreation area.

16 (d) ACQUISITION OF REAL AND PERSONAL PROP-
17 ERTY AND SERVICES.—The Secretary may acquire by do-
18 nation, exchange, lease or purchase with donated or appro-
19 priated funds personal property and lands and improve-
20 ments in the recreation area, for the purposes of the recre-
21 ation area. The Secretary may not acquire any interest
22 in real property in the recreation area without the consent
23 of the owner.

1 (e) OTHER PROPERTY, FUNDS, AND SERVICES.—The
2 Secretary may accept and use donated funds, property,
3 and services to carry out this Act.

4 (f) RELATIONSHIP OF RECREATION AREA TO BOS-
5 TON-LOGAN INTERNATIONAL AIRPORT.—With respect to
6 the recreation area, the present and future maintenance,
7 operation, improvement and use of Boston-Logan Inter-
8 national Airport and associated flight patterns from time
9 to time in effect shall not be deemed to constitute the use
10 of publicly owned land of a public park, recreation area,
11 or other resource within the meaning of section 303(c) of
12 title 49, United States Code, and shall not be deemed to
13 have a significant effect on natural, scenic, and recreation
14 assets within the meaning of section 47101(h)(2) of title
15 49, United States Code.

16 **SEC. 5. BOSTON HARBOR ISLANDS PARTNERSHIP.**

17 (a) ESTABLISHMENT.—There is hereby established
18 the Boston Harbor Islands Partnership whose purpose
19 shall be to coordinate the activities of Federal, State, and
20 local authorities and the private sector in the development
21 and implementation of an integrated resource manage-
22 ment plan for the recreation area.

23 (b) MEMBERSHIP.—The Partnership shall be com-
24 posed of 13 members, as follows:

1 (1) One individual appointed by the Secretary,
2 to represent the National Park Service.

3 (2) One individual, appointed by the Secretary
4 of Transportation, to represent the United States
5 Coast Guard.

6 (3) Two individuals, appointed by the Sec-
7 retary, after consideration of recommendations by
8 the Governor of Massachusetts, to represent the De-
9 partment of Environmental Management and the
10 Metropolitan District Commission.

11 (4) One individual, appointed by the Secretary,
12 after consideration of recommendations by the
13 Chair, to represent the Massachusetts Port Author-
14 ity.

15 (5) One individual, appointed by the Secretary,
16 after consideration of recommendations by the
17 Chair, to represent the Massachusetts Water Re-
18 sources Authority.

19 (6) One individual, appointed by the Secretary,
20 after consideration of recommendations by the
21 Mayor of Boston, to represent the Office of Environ-
22 mental Services of the city of Boston.

23 (7) One individual, appointed by the Secretary,
24 after consideration of recommendations by the

1 Chair, to represent the Boston Redevelopment Au-
2 thority.

3 (8) One individual, appointed by the Secretary,
4 after consideration of recommendations of the Presi-
5 dent of the Thompson Island Outward Bound Edu-
6 cation Center, to represent the Center.

7 (9) One individual, appointed by the Secretary,
8 after consideration of recommendations of the Chair,
9 to represent the Trustees of Reservations.

10 (10) One individual, appointed by the Sec-
11 retary, after consideration of recommendations of
12 the President of the Island Alliance, to represent the
13 Alliance, a non-profit organization whose sole pur-
14 pose is to provide financial support for the Boston
15 Harbor Islands National Recreation Area.

16 (11) Two individuals, appointed by the Sec-
17 retary, to represent the Boston Harbor Islands Advi-
18 sory Council, established in section 8.

19 (c) TERMS OF OFFICE; REAPPOINTMENT.—(1) Mem-
20 bers of the Partnership shall serve for terms of three
21 years. Any member may be reappointed for one additional
22 three year term.

23 (2) The Secretary shall appoint the first members of
24 the Partnership within 30 days after the date on which
25 the Secretary has received all of the recommendations for

1 appointment pursuant to subsections (b) (3), (4), (5), (6),
2 (7), (8), (9), and (10).

3 (3) A member may serve after the expiration of his
4 or her term until a successor has been appointed.

5 (d) COMPENSATION.—Members of the Partnership
6 shall serve without pay, but while away from their homes
7 or regular places of business in the performance of services
8 for the Partnership, members shall be allowed travel ex-
9 penses, including per diem in lieu of subsistence, in the
10 same manner as persons employed intermittently in the
11 Government service are allowed expenses under section
12 5703 of title 5, United States Code.

13 (e) ELECTION OF OFFICERS.—The Partnership shall
14 elect one of its members as Chairperson and one as Vice
15 Chairperson. The term of office of the Chairperson and
16 Vice Chairperson shall be one year. The Vice Chairperson
17 shall serve as chairperson in the absence of the Chair-
18 person.

19 (f) VACANCY.—Any vacancy on the Partnership shall
20 be filled in the same manner in which the original appoint-
21 ment was made.

22 (g) MEETINGS.—The Partnership shall meet at the
23 call of the Chairperson or a majority of its members.

24 (h) QUORUM.—A majority of the Partnership shall
25 constitute a quorum.

1 (i) STAFF OF THE PARTNERSHIP.—The Secretary
2 shall provide the Partnership with such staff and technical
3 assistance as the Secretary, after consultation with the
4 Partnership, considers appropriate to enable the Partner-
5 ship to carry out its duties. The Secretary may accept the
6 services of personnel detailed from the Commonwealth of
7 Massachusetts, any political subdivision of the Common-
8 wealth or any entity represented on the Partnership.

9 **SEC. 6. POWERS OF THE PARTNERSHIP.**

10 (a) HEARINGS.—The Partnership may hold such
11 hearings, sit and act at such times and places, take such
12 testimony, and receive such evidence as the Partnership
13 may deem appropriate.

14 (b) DONATIONS.—Notwithstanding any other provi-
15 sion of law, the Partnership may seek and accept dona-
16 tions of funds, property, or services from individuals, foun-
17 dations, corporations, and other private and public entities
18 for the purpose of carrying out this Act.

19 (c) USE OF FUNDS TO OBTAIN MONEY.—The Part-
20 nership may use its funds to obtain money from any
21 source under any program or law requiring the recipient
22 of such money to make a contribution in order to receive
23 such money.

24 (d) MAILS.—The Partnership may use the United
25 States mails in the same manner and upon the same con-

1 ditions as other departments and agencies of the United
2 States.

3 (e) OBTAINING PROPERTY.—The Partnership may
4 obtain by purchase, rental, donation, or otherwise, such
5 property, facilities, and services as may be needed to carry
6 out its duties, except that the Partnership may not acquire
7 any real property or interest in real property.

8 (f) COOPERATIVE AGREEMENTS.—For purposes of
9 carrying out the plan described in section 7, the Partner-
10 ship may enter into cooperative agreements with the Com-
11 monwealth of Massachusetts, any political subdivision
12 thereof, or with any organization or person.

13 **SEC. 7. INTEGRATED RESOURCE MANAGEMENT PLAN.**

14 (a) IN GENERAL.—Within three years after the date
15 of enactment of this Act, the Partnership shall submit to
16 the Secretary a management plan for the recreation area
17 to be developed and implemented by the Partnership.

18 (b) CONTENTS OF PLAN.—The plan shall include
19 (but not be limited to) each of the following:

20 (1) A program providing for coordinated admin-
21 istration of the recreation area with proposed assign-
22 ment of responsibilities to the appropriate govern-
23 mental unit at the Federal, State, and local levels,
24 and non-profit organizations, including each of the
25 following:

1 (A) A plan to finance and support the pub-
2 lic improvements and services recommended in
3 the plan, including allocation of non-Federal
4 matching requirements set forth in section 9
5 and a delineation of private sector roles and re-
6 sponsibilities.

7 (B) A program for the coordination and
8 consolidation, to the extent feasible, of activities
9 that may be carried out by Federal, State, and
10 local agencies having jurisdiction over land and
11 waters within the recreation area, including
12 planning and regulatory responsibilities.

13 (2) Policies and programs for the following pur-
14 poses:

15 (A) Enhancing public outdoor recreational
16 opportunities in the recreation area.

17 (B) Conserving, protecting and maintain-
18 ing the scenic, historical, cultural, natural and
19 scientific values of the islands.

20 (C) Developing educational opportunities
21 in the recreation area.

22 (D) Enhancing public access to the Is-
23 lands, including development of transportation
24 networks.

1 (E) Identifying potential sources of reve-
2 nue from programs or activities carried out
3 within the recreation area.

4 (3) A policy statement that recognizes existing
5 economic activities within the recreation area.

6 (c) DEVELOPMENT OF PLAN.—In developing the
7 plan, the Partnership shall—

8 (1) consult on a regular basis with appropriate
9 officials of any local government or Federal or State
10 agency which has jurisdiction over lands and waters
11 within the recreation area;

12 (2) consult with interested conservation, busi-
13 ness, professional, and citizen organizations; and

14 (3) conduct public hearings or meetings for the
15 purposes of providing interested persons with the op-
16 portunity to testify with respect to matters to be ad-
17 dressed by the plan.

18 (d) APPROVAL OF PLAN.—(1) The Partnership shall
19 submit the plan to the Governor of Massachusetts for re-
20 view. The Governor shall have 90 days to review and make
21 any recommendations. After considering the Governor's
22 recommendations, the Partnership shall submit the plan
23 to the Secretary, who shall approve or disapprove the plan
24 within 90 days. In reviewing the plan the Secretary shall
25 consider each of the following:

1 (A) The adequacy of public participation.

2 (B) Assurances of plan implementation from
3 State and local officials.

4 (C) The adequacy of regulatory and financial
5 tools that are in place to implement the plan.

6 (2) If the Secretary disapproves the plan, the Sec-
7 retary shall, within 60 days after the date of such dis-
8 approval, advise the Partnership in writing of the reasons
9 therefor, together with recommendations for revision.
10 Within 90 days of receipt of such notice of disapproval,
11 the Partnership shall revise and resubmit the plan to the
12 Secretary who shall approve or disapprove the revision
13 within 60 days.

14 (e) INTERIM PROGRAM.—Prior to adoption of the
15 Partnership's plan, the Secretary and the Partnership
16 shall assist the owners and managers of lands and waters
17 within the recreation area to ensure that existing pro-
18 grams, services, and activities that promote the purposes
19 of this Act are supported.

20 **SEC. 8. BOSTON HARBOR ISLANDS ADVISORY COUNCIL.**

21 (a) ESTABLISHMENT.—The Secretary, acting
22 through the Director of the National Park Service, shall
23 establish an advisory committee to be known as the Bos-
24 ton Harbor Islands Advisory Council. The purpose of the
25 Advisory Council shall be to represent various groups with

1 interests in the recreation area and make recommenda-
2 tions to the Boston Harbor Islands Partnership on issues
3 related to the development and implementation of the inte-
4 grated resource management plan developed under section
5 7. The Advisory Council is encouraged to establish com-
6 mittees relating to specific recreation area management is-
7 sues, including (but not limited to) education, tourism,
8 transportation, natural resources, cultural and historic re-
9 sources, and revenue raising activities. Participation on
10 any such committee shall not be limited to members of
11 the Advisory Council.

12 (b) MEMBERSHIP.—The Advisory Council shall con-
13 sist of not fewer than 15 individuals, to be appointed by
14 the Secretary, acting through the Director of the National
15 Park Service. The Secretary shall appoint no fewer than
16 three individuals to represent each of the following cat-
17 egories of entities: municipalities; educational and cultural
18 institutions; environmental organizations; business and
19 commercial entities, including those related to transpor-
20 tation, tourism and the maritime industry; and Boston
21 Harbor-related advocacy organizations.

22 (c) PROCEDURES.—Each meeting of the Advisory
23 Council and its committees shall be open to the public.

1 (d) FACA.—The provisions of section 14 of the Fed-
2 eral Advisory Committee Act (5 U.S.C. App.), are hereby
3 waived with respect to the Advisory Council.

4 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) IN GENERAL.—There is authorized to be appro-
6 priated such sums as may be necessary to carry out this
7 Act.

8 (b) MATCHING REQUIREMENT.—Amounts appro-
9 priated in any fiscal year to carry out this Act may only
10 be expended on a matching basis in a ratio of at least
11 three non-Federal dollars to every Federal dollar. The
12 non-Federal share of the match may be in the form of
13 cash, services, or in-kind contributions, fairly valued.

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